



## Clark County Planning Commission

Karl Johnson, Chair  
Ron Barca, Vice Chair  
Aldo Lampson Veranzo  
Bryant Enge  
Steve Morasch  
Bryan Halbert  
Matt Swindell

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### PLANNING COMMISSION MINUTES THURSDAY, JUNE 17, 2021

Public Service Center  
Council Hearing Room, 6<sup>th</sup> Floor  
1300 Franklin Street  
Vancouver, Washington

6:30 p.m.

#### **CALL TO ORDER**

WISER: We are ready to start the meeting.

JOHNSON: Great. Good evening, gentlemen, members of the public, and staff members. I would like to call this online public hearing to order on Thursday, June 17th, 2021. My name is Karl Johnson and I am the Chair of the Clark County Planning Commission.

#### **Planning Commission Rules of Procedure**

Due to the COVID-19 pandemic, regular meetings and hearings of the Clark County Planning Commission will be held in a virtual meeting room, this will allow for safe participation by commission members, staff and members of the public.

The role of the Planning Commission is to review and analyze comprehensive plan amendments, zoning changes and other land use related issues. We follow a public process including holding hearings during which the public has the opportunity to provide additional perspectives and information.

In legislative matters, the role of the Planning Commission is advisory. The County Council will hold separate hearings, consider our recommendations and make a final determination.

The procedure are as follows: The Planning Commission will conduct a public hearing tonight and take testimony regarding the matters being considered. If any public comments were received by mail or e-mail before tonight's hearing, they have been sent to the PC members and entered into the Planning Commission's public record.

The staff will go first tonight and present the information about the agenda item to the

Planning Commission. The Planning Commission can then ask questions to staff. Next, we will invite the applicant to speak. Then members of the public who wish to provide comment will be asked to speak.

When we get to the public comment portion of our agenda, we will provide more detailed information at that time. Please keep your remarks brief and to the point. You will have three minutes to speak. Remarks should be directed to the Planning Commission as a body and not directed to the audience, staff or the applicant. This is not an appropriate time to question staff or the applicant. Please do not repeat testimony that has already been provided.

At the conclusion of public testimony, the applicant, if present, may take up to three minutes to respond after which the public portion of the hearing will be closed. Staff may then respond to the testimony from the applicant and the public. The Planning Commission will then deliberate and make a recommendation to the County Councilors.

Before we begin tonight's hearing, Planning Commission members and staff, please ensure that your microphones are turned off or muted unless you are speaking. Planning Commission members, please remember to turn on your video cameras on throughout tonight's meeting.

Audience members, you are all muted. You will only be unmuted if you wish to speak during the public comment period. Please show respect for the people testifying tonight whether or not you agree with their comments.

One last item has been requested by our court reporter. Karl, that's me, we have a court reporter, Cindy Holley, who has to deal with WebEx and sound issues while transcribing verbatim minutes during the hearing. If any PC members have questions, I will call upon you each individually stating your first and last name and you can respond with your questions if you have any.

When it comes to discussion, Planning Commissioners, I will also call on you each individually and ask you if you have discussion items. When you make a motion, please state your first and last name and then make your motion. And when you second your motion, please state your first and last name and then second the motion.

For our PC member Bryant Enge, please say Bryant with a T, that will make it easier for our court reporter, so she knows who's speaking; otherwise, it is difficult for her to get a verbatim record down. Thank you for everyone. And are there any questions regarding these instructions?

Okay. Hearing none, we will move forward. Would anyone on the Planning Commission like to disclose any conflicts of interest before we begin tonight's hearing?

BARCA: Karl, this is Ron Barca. I don't have a conflict, but per the rules I need to inform the group that I just don't have enough bandwidth to do my video tonight. I don't know whether

it's my hairdo or what, but I am going to remain without video.

JOHNSON: Okay, Ron, thank you. So now we're going to call our roll call and introduction of guests. We'll start with roll call of the Planning Commission members for this hearing. Please say I'm here after Sonja calls your name. Sonja, can you please take roll.

### **ROLL CALL**

BARCA: I am here.

ENGE: I'm here.

JOHNSON: Bryan, I believe you're muted.

HALBERT: Okay. Now I'm unmuted. Bryan Halbert is here.

VERANZO: I am here.

MORASCH: Absent

SWINDELL: Matt Swindell, I'm here.

JOHNSON: Here

### **Staff Present**

Christine Cook, Sr. Deputy Prosecuting Attorney, Susan Ellinger, Community Development Program Manager II; Amy Wooten, Community Development Planner III; Jenna Kay, Planner III, Daniel Sommerville, Planner II; Sonja Wiser, Program Assistant; and Cindy Holley, Court Reporter.

### **GENERAL & NEW BUSINESS**

#### **A. Approval of Agenda for June 17, 2021**

JOHNSON: So now we'll move to approval of the agenda for June 17th. Can I have a motion for the approval of the agenda for June 17th, 2021. Please raise your hand.

HALBERT: Bryan Halbert here and I make a **motion** to approve the agenda for June 17th.

SWINDELL: Matt Swindell and I second it.

JOHNSON: Can I have a second. Go ahead, Matt.

SWINDELL: Matt Swindell. I **second** it.

JOHNSON: We have a motion and a second. Sonja, can you please take roll call for the motion.

**ROLL CALL**

BARCA: AYE  
ENGE: AYE  
HALBERT: AYE  
VERANZO: AYE  
SWINDELL: AYE  
JOHNSON: AYE

WISER: 6 ayes

**B. Approval of Minutes for March 18, 2021**

JOHNSON: Motion passes. Now we'll take a motion and second for approval of minutes of March 18th, 2021.

ENGE: Bryant Enge. I make a **motion** for approval of the minutes for March 18th, 2021.

SWINDELL: Matt Swindell. I'll **second** it.

JOHNSON: We have a motion and a second. Sonja, can you please take a roll call for the motion.

**ROLL CALL**

BARCA: AYE  
ENGE: AYE  
HALBERT: AYE  
VERANZO: AYE  
SWINDELL: AYE  
JOHNSON: AYE

WISER: 6 ayes

**C. Communications from the Public**

JOHNSON: Motion passes. We'll now hear communications from the public. We are now going to take communications from the public. This is for communications for those items that are not, I repeat, not on tonight's hearing agenda. Sonja, it is your turn to speak.

**Remote Meeting Details & How to Testify**

WISER: Good evening members of the public. For attendees using their computer or WebEx application, if you would like to speak, please utilize the raised-hand icon. You can do this by

opening the participant window which is the round participant icon at the bottom of the screen and selecting the hand icon in the lower right-hand portion of the screen. Staff will only acknowledge those attendees during the public comment period who have raised their hand by selecting the hand icon.

When you are acknowledged, you will be unmuted. If you wish to retain the ability to be a party of record on this matter or to challenge or defend any decision made on this matter, please state and spell your name and provide your address for the record.

For attendees using the telephone, which is audio only option, you need to press star 3 on your phone's number panel to raise your hand. You will hear a message that says you have raised your hand to ask a question. Please wait to speak until the host calls on you.

When you are acknowledged, you will be unmuted, and you will hear a message that says you have been unmuted. When you have finished your comment, please press star 3 to lower your hand. You will hear a message that says you have lowered your hand.

Please note that public comments are limited to three minutes per person in order to accommodate all speakers. Again, this is the public comment portion of tonight's hearing and is not intended for items not listed on tonight's agenda.

We will now mute/unmute people with raised hands one at a time. If an attendee provides a name, I will read off the name before unmuting; otherwise, we will indicate he's unmuting the next caller. Are there any people calling in, Daniel?

SOMMERVILLE: At this time, we have no public attendees.

WISER: Okay. Nobody has called. Karl, so there would be no public comment. We'll close the public comment portion of the hearing and go to the hearing item.

### **PUBLIC HEARING ITEM**

#### **Changes to Chapter 40.510 UDC, Type I, II, III Processes**

The Planning Commission will consider staff recommendations related to language in Chapter 40.510 regarding sending documents during the preliminary development review process. These include clarifications to the code regarding the use of email versus postal mail. A correction to a scrivener's error in 40.510.030.D.6.a. is also proposed.

**Staff contact:** [Amy.Wooten@clark.wa.gov](mailto:Amy.Wooten@clark.wa.gov)

**Phone:** (564) 397-5683

JOHNSON: Okay. With that said, our first public hearing item, our staff, Amy Wooten, will present first on changes to Chapter 40.510 UDC, Type I, II and III Processes. Amy.

WOOTEN: Good evening members of the Planning Commission. Can you hear me?

JOHNSON: Yes, we can.

WOOTEN: Okay. Good. My name is Amy Wooten, I'm with Community Development. Tonight, I'm here to discuss with you a proposal to update Chapter 40.510 which is the procedure section of the Title 40 Development Code. Slide.

Very recently staff discovered an inconsistency with the code regarding the use of regular mail versus e-mail when sending documents during the preliminary development review process and subsequently developed some questions regarding those procedures.

Most sections of the code state that documents need to be mailed which has historically been interpreted to allow the use of e-mail instead of regular mail; however, a few places in the code specify that e-mail can be used if the recipient gives consent only. Because e-mail is specified in these sections, a question arose as to whether staff could interpret the word mail to allow e-mail.

It seems that this procedural inconsistency became highlighted during COVID stay-at-home orders. After internal discussion it was decided that the use of e-mail unnecessarily created a potential avenue for appeal. So, and in order to be in compliance with procedural requirements, staff has reverted to hardcopy mailing and has had to double-up by also e-mailing all preliminary decision-oriented correspondence which includes final pre-app reports, fully complete determinations and preliminary and final decisions.

Although this procedure is code compliant, over time it will prove to be unduly consuming of staff time, increase copying and mailing costs. To provide a sustainable solution, staff is proposing a compilation of language changes to the code and we are here tonight for Planning Commission approval of those changes.

Staff has also included a correction to a scrivener's error in Subsection 40.510.030.D.6 that was identified while compiling the code changes that we're here to discuss tonight.

So, what's changing? In general, staff proposes to change code language in Chapter 40.510 that refers to mail to a more general send. Certain sections will require more specific changes.

For instance, all of the sections related to pre-application final report will change as it currently requires attendees of a pre-application conference to sign a register during the in-person conference. This register allows attendees to specify how they would like to receive the final report by either mail or e-mail and allows participants who were not listed in the application materials to be included on the distribution list.

Remote work has changed this practice because now we're using a web-based format for plan for meetings, so proposed revisions to the existing language will require that final staff reports be sent to all meeting attendees. These proposed changes will not affect mailing procedures

and requirements that are specifically outlined in other chapters. Slide.

The change to the scrivener's error cited in Section 40.510.030.D.6.a informs the notice of the final SEPA determination and corrects the citation reference which currently refers the user to, slide, Section 40.510.030.H. This section responds to burden, provides burden of proof language and it correctly refers them to Section 40.510.030.I which is the Appeal section.

Staff finds that the proposed code change will positively affect the use of several resources within the Community Development Department as costs associated with hardcopy mailing of staff and Hearing Examiner decisions will be reduced, staff time copying, paper costs, stuffing envelopes and postage.

An additional benefit for applicants is that it will preserve the applicant or appellants appeal window as the delivery of the decision arrives the day of the issuance. Slide.

Staff has complied with the Type IV procedural requirements for Code Amendments put forth in Section 40.560.020 for this request. In accordance to those procedures, staff issued a Notice of SEPA determination of nonsignificance on May 31st. That notice had a closing date for response by the public of June 14th.

To date no comments have been received, no comments were referred to the Planning Commission for comment or review. Slide.

Prior to tonight's hearing, staff presented the proposed changes to the Development Engineering Advisory Board, they reacted generally in favor of the proposed changes. And as you can see on the schedule, staff is pushing this issue forward with some urgency as this change in procedure has had a definite effect on staff time and draws on resources we otherwise would not be using up.

Notice will be issued on June 18th for the Council hearing that's set for July 6th, and based on that schedule, the anticipated effective date for these changes should be July 16th. Slide.

Thank you, members of the Planning Commission, for your time and consideration. If there are any questions, I'm available for answers.

JOHNSON: Okay. Thank you, Amy. Does any Planning Commissioners have any questions for staff? I will call each PC member one at a time to ask your questions. Ron Barca.

BARCA: Thank you, Karl. Thank you, Karl. I don't have any questions, but I believe what Amy brought forward was very similar to our work session, and the clarification on the scrivener's error was right in line with what I had hoped to see. I'm satisfied with the information.

JOHNSON: Thank you, Ron. Bryant Enge.

ENGE: Karl, this information was straightforward and in agreement with Amy that these

changes would make the process more efficient.

JOHNSON: Thank you, Bryant. Bryan Halbert.

HALBERT: Yeah, I concur with Ron and with Bryant and no other questions at this time.

JOHNSON: Thank you. Aldo Lampson.

VERANZO: No, no questions.

JOHNSON: Okay. Thank you, Aldo. Matt Swindell.

SWINDELL: No. It looks really good, really good presentation and really straightforward stuff so, no, no questions.

JOHNSON: Great. I don't, I think everything's in line. Amy, great job, quick and concise, I appreciate that. With that, we'll close the questions and now we're going to open the hearing for public testimony.

### **Public Testimony**

JOHNSON: I'll begin a brief summary of the public participation process we will follow so you can understand how you can participate in the hearing during the public testimony.

To be a party of record you must submit written testimony before, during or prior to the close of public hearing, provide oral testimony at the public hearing or request in writing to be a party of record. No person shall be a party of record who has not furnished their name and accurate post office, mailing address or e-mail address. If any written comments were received prior to June 17th, 2021, they were submitted to the PC members and posted on the Planning Commission website.

We will now take oral testimony as we did earlier this evening. Sonja, once again, it is your turn to speak.

WISER: Daniel, do you show any people that have signed in, called in?

SOMMERVILLE: At this time there are no attendees.

WISER: There are no attendees that are showing as pertinent at this virtual hearing, so we can close the public testimony portion of the hearing.

### **Return to Planning Commission**

JOHNSON: Okay. We will now close the public testimony portion of the hearing. Staff may now respond to the public testimony which there is none.



Does the Planning Commission have any additional comments? I will now call each PC member one at a time, you might just try a simple yes or no to expedite this.

Ron Barca  
BARCA: No

JOHNSON: Bryant Enge.  
ENGE: No

JOHNSON: Bryan Halbert.  
HALBERT: No

JOHNSON: Aldo Lampson Veranzo.  
VERANZO: No

JOHNSON: Matt Swindell  
SWINDELL: No

JOHNSON: And I, Karl Johnson, have none. I will now accept a motion and a second. Please state your first and last name for the record.

BARCA: It's Ron Barca. I would like to make a **Motion** to accept staff's recommendation as presented tonight.

HALBERT: This is Bryan Halbert, and I would **Second** that motion.

JOHNSON: We have a motion and a second. Sonja, will you please take a roll call by calling each PC members name after which they will vote yes or no on the motion.

**ROLL CALL VOTE**

BARCA: AYE  
ENGE: AYE  
HALBERT: AYE  
VERANZO: AYE  
SWINDELL: AYE  
JOHNSON: AYE

WISER: 6 ayes

JOHNSON: The motion passes, and that concludes the public hearing portion of our agenda tonight. We now look to old business.

### **OLD BUSINESS**

JOHNSON: Is there any old business? None.

### **NEW BUSINESS**

JOHNSON: Is there any new business? Seeing none.

### **COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION**

JOHNSON: Are there any comments from members of the Planning Commission? Please raise your hand, state your first and last name if you'd like to make any comments tonight.

JOHNSON: So, gentlemen, really quickly just a mental note for us, I had asked this question is why I'm putting it on the record is there are no, and, Sonja, correct me again if I'm wrong here, there are no hearings or meetings for July and then we're starting to ramp up, those are Sonja's words and that always is makes me feel worried, we're ramping up in August. So, I just want to encourage you, I understand like I got my vacation stand in August, but, Sonja, what do we have coming up in August?

WISER: In August we're having the first batch of the annual reviews. Right now, on the docket, I see one but that can change; however, the Planning Commission work session is on August 5th, the first Thursday of the month, and the hearing on August 19th which is the third Thursday. I'll be back in touch with you in mid-July.

JOHNSON: Yeah. And it's been working out, I cross my fingers, gentlemen, is that we'll get to see each other face-to-face sometime soon, this is kind of getting old just not seeing you guys, so again, just kind of keeping that ahead and we did great, we got out of here quick tonight so enjoy your evening and if there's not nothing else. Oh, a special thanks tonight to our staff and of course Cindy, and now our hearing is adjourned.

### **ADJOURNMENT**

The record of tonight's hearing, as well as the supporting documents and presentations can be viewed on the Clark County Web Page at:

**<https://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>**

Television proceedings can be viewed on CTVV on the following web page link:

**<http://www.cvtv.org/>**

*Minutes Transcribed by Cindy Holley, Court Reporter/Rider & Associates, Inc.  
Sonja Wisner, Program Assistant, Clark County Community Planning*